

#### IN THE CLAIMS

Cancel claims 55-58, 60-61, 65-70, and 72-73 subject to Applicants' right to refile this non-elected subject matter in a divisional application.

#### STATUS OF THE CLAIMS

Claims 1-8, 12-21, 26-35, 40-42, 44-47, 49-52, 54-58, 60-61, 65-75, and 80 were pending.

Claims 1-8, 12-21, 26-35, 40-42, 44-47, 49-52, 54-58, 60-61, 65-75, and 80 were subject to restriction under 35 U.S.C. § 121 and 372.

Claims 55-58, 60-61, 65-70, and 72-73 have been cancelled subject to Applicants' right to refile this non-elected subject matter in a divisional application.

Claims 1-8, 12-21, 26-35, 40-42, 44-47, 49-52, 54, 71, 74-75, and 80 are presented for reconsideration.

#### REMARKS

Claims 1-8, 12-21, 26-35, 40-42, 44-47, 49-52, 54-58, 60-61, 65-75, and 80 were subject to restriction under 35 U.S.C. § 121 and 372 among:

Group I, claims 1-8, 12-21, 26-35, 40-42, 44-47, 49-52, 54, 71, 74-75, and 80, drawn to starch which exhibits freeze-thaw stability and compositions thereof;

Group II, claims 55-58, drawn to genetically modified plant cells;

Group III, claims 60, 61, and 70, drawn to a genetically modified plant; and

Group IV, claims 65-69, 72, and 73, drawn to a method for making a transgenic modification of a plant, and to a method of making starch which comprises transgenic modification of a plant.

Applicants elect Group I. Claims 55-58, 60-61, 65-70, and 72-73 have been cancelled subject to Applicants' right to refile this non-elected subject matter in a divisional application. Applicants neither admit nor deny the Examiner's statements regarding the prior art.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,



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